

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DAVID L. MABRY,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00424

BETSY JIVIDEN, et al.,

Defendants.

DISMISSAL ORDER

Pending before the Court is Plaintiff David Mabry's ("Plaintiff") Complaint. (ECF No. 4.) By Standing Order entered in this case on May 31, 2019, this action was referred to United States Magistrate Court Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on May 3, 2022, recommending that this Court dismiss Plaintiff's complaint for failure to state a claim. (ECF No. 8.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

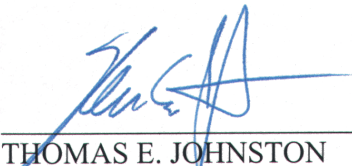
Objections to the PF&R were due on May 20, 2022. (*See* ECF No. 8.) To date, Plaintiff has failed to submit any objection in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 8), and **DISMISSES** this action **WITHOUT PREJUDICE** for failure to state a claim upon which relief can be granted. The Clerk is further **DIRECTED** to remove this action from the Court's active docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 13, 2022



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE